

103D CONGRESS
1ST SESSION

S. 1505

To amend the Federal Land Policy and Management Act of 1976 to enhance the management of Federal lands, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30 (legislative day, SEPTEMBER 27), 1993

Mr. HATFIELD introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Federal Land Policy and Management Act of 1976 to enhance the management of Federal lands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Natural Resource Em-
5 ployment Transition Assistance Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) more than 450 million acres of Federal land
9 are administered as public lands (as the term is de-
10 fined in section 103(e) of the Federal Land Policy

1 and Management Act of 1976 (43 U.S.C. 1702(e))
2 by the Bureau of Land Management of the Depart-
3 ment of the Interior;

4 (2) most of the public lands are located in 11
5 western States and Alaska;

6 (3) the public lands constitute the largest Fed-
7 eral land management system and comprise over 60
8 percent of all federally owned real property;

9 (4) as much as 75 percent of the 2.2 billion
10 acres of land in the United States has been in the
11 public domain, including practically all the lands
12 within the boundaries of all States excluding Texas
13 and Hawaii;

14 (5) pursuant to the policies set forth in the
15 Federal Land Policy and Management Act of 1976
16 (42 U.S.C. 1701 et seq.), the Bureau of Land Man-
17 agement manages most public lands;

18 (6) the Secretary of the Interior (referred to in
19 this section as the “Secretary”) is required to man-
20 age public lands according to multiple use and sus-
21 tained yield principles involving an interdisciplinary
22 approach that includes physical, biological, and eco-
23 nomic disciplines, and is required to weigh long-term
24 benefits to the public against short-term gains;

1 (7) in the management of public lands, the Sec-
2 retary is required to give special consideration to the
3 designation and protection of critical environmental
4 areas;

5 (8) the Secretary is authorized to withdraw
6 land for the purpose of limiting activities to main-
7 tain other public values in an area, or to reserve the
8 area for a specific purpose;

9 (9) many withdrawals curtail or adversely affect
10 economic uses of the public lands;

11 (10) the Secretary is authorized to regulate the
12 use, occupancy, and development of public lands
13 through such instruments as rules, easements, li-
14 censes, leases, and permits;

15 (11) the Secretary may order a suspension of
16 the instruments described in paragraph (10) if the
17 Secretary determines that the suspension is nec-
18 essary to protect public health or safety, or the envi-
19 ronment;

20 (12) the Secretary has promulgated and follows
21 guidelines for land use planning on all public lands
22 managed by the Bureau of Land Management;

23 (13) public lands are widely seen as valuable
24 national assets, capable of providing the best public
25 benefits through continued Federal ownership, but

1 are sorely in need of more effective economic man-
2 agement;

3 (14) many workers have suffered adverse eco-
4 nomic conditions caused by Federal laws and regula-
5 tions that govern the use of natural resources on
6 public lands;

7 (15) many of the workers who have been dis-
8 located by restrictions placed on the use of public
9 domain lands limiting the use of natural resources
10 have unique skills that are not readily transferable
11 to other industries;

12 (16) reemployment opportunities are often lim-
13 ited in the area in which the workers were formerly
14 employed;

15 (17) economic assistance is necessary for work-
16 ers who have been dislocated because Federal poli-
17 cies have led to their economic hardships;

18 (18) assistance programs are often inadequate
19 or nonexistent for workers who have lost their jobs
20 and are in need of assistance as a result of Federal
21 land management decisions affecting public land;

22 (19) there is a need for financial and technical
23 assistance for workers who have suffered adverse
24 economic conditions; and

1 (20) an assistance program should be estab-
2 lished that promotes technical, financial, and other
3 types of assistance to workers.

4 **SEC. 3. PURPOSE.**

5 It is the purpose of this Act to improve the ability
6 of the Secretary of the Interior to manage the public lands
7 of the United States pursuant to the requirements of the
8 Federal Land Policy and Management Act of 1976 (43
9 U.S.C. 1701 et seq.) by providing an assistance program
10 for workers who were or are currently threatened to be
11 dislocated from employment as a result of restrictions
12 placed on public lands.

13 **SEC. 4. NATURAL RESOURCE EMPLOYMENT TRANSITION**
14 **ASSISTANCE.**

15 (a) ECONOMIC IMPACT STATEMENT.—Section 204(b)
16 of the Federal Land Policy and Management Act of 1976
17 (43 U.S.C. 1714(b)) is amended by adding at the end the
18 following new paragraph:

19 “(3)(A) The Secretary shall include with each notice
20 published pursuant to paragraph (1) a detailed statement
21 of the economic impact of the proposed withdrawal. The
22 economic impact statement shall accompany the proposal
23 for withdrawal through the agency review process.

24 “(B) The economic impact statement shall include an
25 analysis of—

1 “(i) the economic impact of the proposed with-
2 drawal on Federal, State, and local revenues, the
3 local tax bases, school financing, social services, and
4 infrastructure funding, unemployment levels, and in-
5 flation;

6 “(ii) any adverse economic effects that could
7 not be avoided if the proposed withdrawal was to
8 take place;

9 “(iii) alternatives to the proposed withdrawal,
10 including the alternative of no withdrawal;

11 “(iv) an assessment of Federal funding require-
12 ments for recreational facility maintenance; and

13 “(v) an assessment of the impact of the pro-
14 posed withdrawal on Federal land and natural re-
15 source management policies.

16 “(C) If the Secretary determines that a proposed
17 withdrawal would result in no significant economic impact,
18 the Secretary shall include in the economic impact state-
19 ment a finding that reflects the determination, including
20 an explanation of the finding.

21 “(D) Prior to preparing an economic impact state-
22 ment, the Secretary shall consult with each Federal, State,
23 and local agency that has jurisdiction by law or special
24 expertise with respect to each economic impact involved.

1 “(E)(i) Copies of the economic impact statement and
2 the comments of the appropriate Federal, State, and local
3 agencies, shall be made available to the public.

4 “(ii) The Secretary shall provide for a period during
5 which the public may comment on the proposal for with-
6 drawal. The public comments shall be appended to the eco-
7 nomic impact statement.

8 “(F) The Secretary shall prepare a record of decision
9 for each withdrawal decision, including a rejection of an
10 application for withdrawal. The record of decision shall
11 summarize the actions of the agency and explain the rejec-
12 tion of the proposed alternatives.”.

13 (b) TRANSITION ASSISTANCE.—The Federal Land
14 Policy and Management Act of 1976 (42 U.S.C. 1701 et
15 seq.) is amended by adding at the end the following new
16 title:

17 **“TITLE VIII—TRANSITION**
18 **ASSISTANCE**

19 **“SEC. 801. NATURAL RESOURCE EMPLOYMENT TRANSITION**
20 **ASSISTANCE.**

21 “(a) DEFINITIONS AND DETERMINATION OF ELIGI-
22 BILITY.—

23 “(1) DEFINITIONS.—As used in this section:

24 “(A) ADVERSELY AFFECTED EMPLOY-
25 MENT.—The term ‘adversely affected employ-

1 ment’ means work in an industry, occupation,
2 or establishment (including the timber industry
3 or an occupation or establishment related to the
4 timber industry) that, as a direct or indirect re-
5 sult of the implementation of this Act—

6 “(i) has sustained or is projected to
7 sustain substantial economic harm;

8 “(ii) has experienced, is experiencing,
9 or will experience interruptions in the sup-
10 ply of raw materials or goods used in man-
11 ufacturing; or

12 “(iii) will gradually decline or down-
13 size or experience an acceleration of de-
14 cline.

15 “(B) ADVERSELY AFFECTED WORKER.—
16 The term ‘adversely affected worker’ means an
17 individual who—

18 “(i) is an eligible dislocated worker
19 within the meaning of section 301(a)(1) of
20 the Job Training Partnership Act (29
21 U.S.C. 1651(a)(1)); and

22 “(ii)(I) has been totally, partially, or
23 temporarily separated from work that is
24 considered as adversely affected employ-

1 ment within the 3-year period beginning on
2 the date of enactment of this section; or

3 “(II) has received a notice of termi-
4 nation or layoff from such work.

5 “(C) AFFECTED STATE.—The term ‘af-
6 fected State’ means any of the several States of
7 the United States and the District of Columbia
8 in which there is adversely affected employ-
9 ment.

10 “(D) PRIVATE INDUSTRY COUNCIL.—The
11 term ‘private industry council’ means a private
12 industry council described in section 102 of the
13 Job Training Partnership Act (29 U.S.C.
14 1512).

15 “(2) DETERMINATIONS.—The determination of
16 whether an individual is an adversely affected work-
17 er under paragraph (1)(A)(ii) shall be made by the
18 Secretary of the Interior, pursuant to criteria estab-
19 lished by the Secretary, in consultation with the Ad-
20 ministrator of the Environmental Protection Agency,
21 the Secretary of the Army, the Secretary of Com-
22 merce, the Secretary of Energy, the Secretary of Ag-
23 riculture, or the Secretary of Labor, as appropriate.

24 “(3) CERTIFICATION.—The Secretary of the In-
25 terior, in consultation with the Administrator of the

1 Environmental Protection Agency, the Secretary of
2 the Army, the Secretary of Commerce, the Secretary
3 of Energy, the Secretary of Agriculture, the Sec-
4 retary of Labor, and the Governor of an affected
5 State, shall certify an industry, occupation, or estab-
6 lishment based on the implementation of this Act as
7 one in which there is adversely affected employment.

8 “(4) CONCLUSIVE PRESUMPTION.—

9 “(A) IN GENERAL.—The total, partial, or
10 temporary layoff, or the notification of termi-
11 nation or layoff of an adversely affected worker
12 after 1981, on which certification of an affected
13 State is based under paragraph (3) shall be
14 conclusively presumed to be attributable to
15 compliance with this Act.

16 “(B) EXCEPTION.—No conclusive pre-
17 sumption exists under subparagraph (A) if an
18 adversely affected worker has voluntarily quit,
19 been laid off, or been terminated from a job for
20 a cause that would disqualify such worker for
21 unemployment compensation under the State
22 law.

23 “(b) GRANTS AUTHORIZED.—

24 “(1) IN GENERAL.—The Secretary may award
25 grants to States, substate grantees (as described in

1 paragraph (2)), employers, employer associations,
2 and labor organizations—

3 “(A) to provide training, adjustment as-
4 sistance, and employment services to adversely
5 affected workers; and

6 “(B) to make needs-related payments to
7 such workers in accordance with subsection (g).

8 “(2) SUBSTATE GRANTEEES.—Entities eligible
9 for designation as substate grantees include—

10 “(A) private industry councils in a sub-
11 state area designated by the Governor of the
12 State involved;

13 “(B) service delivery area grant recipients
14 or administrative entities;

15 “(C) private nonprofit organizations;

16 “(D) units of general local government in
17 the substate area, or agencies thereof;

18 “(E) local offices of State agencies; and

19 “(F) other public agencies, such as com-
20 munity colleges and area vocational schools.

21 “(c) GRANT AMOUNT.—

22 “(1) IN GENERAL.—The amount of a grant
23 awarded under this section shall be based on a per-
24 centage developed by the Secretary through consid-
25 eration of the ratio of—

1 “(A) the per capita incidence of adversely
2 affected workers in each State; to

3 “(B) the per capita incidence of adversely
4 affected workers in all States.

5 “(2) RURAL AREAS.—The Secretary shall not
6 award a grant under subsection (b) unless the appli-
7 cant provides assurances that the applicant will use
8 a portion of the amount awarded under the grant to
9 provide training, adjustment assistance, employment
10 services, and needs-related payments to adversely af-
11 fected workers in rural areas.

12 “(d) PRIORITY AND APPROVAL.—

13 “(1) APPLICATION.—

14 “(A) IN GENERAL.—To be eligible to re-
15 ceive a grant under subsection (b), a State, sub-
16 state grantee, employer, employer association,
17 or labor organization shall submit an applica-
18 tion to the Secretary at such time, in such man-
19 ner, and containing such assurances as the Sec-
20 retary may require.

21 “(B) REVIEW PRIOR TO SUBMISSION.—
22 Prior to the submission of an application under
23 subparagraph (A), an applicant shall—

1 “(i) submit the application for review
2 and comment to the appropriate private in-
3 dustry council and the State; and

4 “(ii) offer local labor organizations
5 the opportunity to provide comments on
6 the application.

7 “(C) DOCUMENTATION.—An applicant
8 that submits an application under subpara-
9 graph (B) shall maintain all documentation re-
10 lating to consultations with the entities de-
11 scribed in clauses (i) and (ii) of such subpara-
12 graph.

13 “(2) NEEDS-RELATED PAYMENTS REQUIRED.—
14 The Secretary shall not approve an application for
15 a grant under subsection (b) unless the application
16 contains assurances that the applicant will use
17 amounts provided under the grant to provide needs-
18 related payments in accordance with subsection (g).

19 “(e) USE OF FUNDS.—Subject to the requirements
20 of subsections (f) and (g), grants under subsection (b)
21 may be used for any purpose for which funds may be used
22 under section 314 of the Job Training Partnership Act
23 (29 U.S.C. 1661c).

24 “(f) ADJUSTMENT ASSISTANCE.—

1 “(1) JOB SEARCH ALLOWANCE.—Grants under
2 subsection (b) for adjustment assistance may be
3 used to provide a job search allowance to an ad-
4 versely affected worker. Such allowance, if provided,
5 shall provide reimbursement to such worker in an
6 amount that does not exceed 90 percent of the cost
7 to such worker for necessary job search expenses, as
8 prescribed by regulations of the Secretary, or \$800,
9 whichever is less, unless the need for a greater
10 amount is demonstrated in the application and ap-
11 proved by the Secretary.

12 “(2) CRITERIA FOR AWARDING JOB SEARCH AL-
13 LOWANCES.—A job search allowance may be pro-
14 vided only—

15 “(A) to assist an adversely affected worker
16 who has been totally separated in securing a job
17 within the United States; and

18 “(B) if the Secretary determines that the
19 adversely affected worker cannot reasonably be
20 expected to secure suitable employment in the
21 commuting area in which such worker resides.

22 “(g) NEEDS-RELATED PAYMENTS.—The Secretary
23 shall prescribe regulations with respect to the use of
24 amounts awarded under a grant under subsection (b) for
25 needs-related payments in order to enable adversely af-

1 fected workers to complete training or education programs
2 under this section. Such regulations shall—

3 “(1) require that needs-related payments shall
4 be provided to an adversely affected worker only if
5 such worker—

6 “(A)(i) qualifies for emergency or extended
7 unemployment benefits; or

8 “(ii) does not qualify or has ceased to
9 qualify for unemployment compensation;

10 “(B) is participating in training or edu-
11 cation programs under this section, except that
12 the regulations shall protect an adversely af-
13 fected worker from being disqualified pursuant
14 to this subparagraph for a failure to participate
15 that is not the fault of such worker; and

16 “(C) receives, or is a member of a family
17 that receives, a total family income (exclusive of
18 unemployment compensation, child support pay-
19 ments, and welfare payments) that, in relation
20 to family size, is not in excess of the lower liv-
21 ing standard income level;

22 “(2) provide that an adversely affected worker
23 may not be disqualified from receipt of needs-related
24 payments if such worker terminates temporary or

1 part-time employment to participate in a training or
2 education program under this section;

3 “(3) provide that not later than 30 days after
4 enrollment in a training program, an adversely af-
5 fected worker shall receive needs-related payments if
6 such worker—

7 “(A) does not qualify or has ceased to
8 qualify for unemployment compensation; and

9 “(B) has enrolled in a training program
10 under this section;

11 “(4) provide for procedures for waiving maxi-
12 mum benefits requirements;

13 “(5) provide for procedures for allowing the
14 payment of needs-related payments based on special
15 needs that shall be determined by the Secretary on
16 appeal;

17 “(6) provide that the levels of needs-related
18 payments to an adversely affected worker who does
19 not qualify or has ceased to qualify for unemploy-
20 ment compensation shall be equal to the higher of—

21 “(A) the applicable level of unemployment
22 compensation; or

23 “(B) the official poverty line (as defined by
24 the Office of Management and Budget, and re-
25 vised annually by the Secretary of Health and

1 Human Services in accordance with section
2 673(2) of the Community Services Block Grant
3 Act (42 U.S.C. 9902(2));

4 “(7) provide that the amount of needs-related
5 payments to an adversely affected worker who quali-
6 fies for emergency or extended unemployment bene-
7 fits shall be equal to the difference between the
8 amount of such worker’s compensation and the
9 amount of such worker’s unemployment benefits;

10 “(8) provide for the adjustment of payments to
11 reflect changes in total family income; and

12 “(9) provide that the grantee shall obtain infor-
13 mation with respect to such income, and changes
14 therein, from the adversely affected worker.

15 “(h) COUNSELING AND REFERRALS.—Not later than
16 45 days after an adversely affected worker qualifies for
17 unemployment benefits, a grantee under this section shall
18 provide employment counseling and referral to training
19 programs, if needed, to such worker.

20 “(i) ADMINISTRATIVE EXPENSES.—

21 “(1) IN GENERAL.—The Secretary of the Inte-
22 rior may reserve not more than 5 percent of the
23 awards appropriated under this section for the ad-
24 ministration of activities authorized under this sec-

1 tion, including the provision of technical assistance
2 for the preparation of grant applications.

3 “(2) PRIORITY.—In the provision of technical
4 assistance for preparation of grant applications
5 under paragraph (1), the Secretary shall give prior-
6 ity to nongovernmental and nonprofit organizations.

7 “(j) REGULATIONS.—Not later than 180 days after
8 the date of enactment of this section, the Secretary shall
9 prescribe regulations to carry out this section.

10 “(k) GENERAL ACCOUNTING OFFICE ASSESSMENT
11 OF EFFECTS OF COMPLIANCE WITH ENVIRONMENTAL
12 POLICIES.—The Comptroller General of the United States
13 shall—

14 “(1) identify and assess, to the extent possible,
15 the effects on Federal land management and natural
16 resources policy, and on employment, that are attrib-
17 utable to compliance with the provisions of this Act,
18 the National Forest Management Act of 1976, the
19 Migratory Bird Treaty Act, the Act commonly
20 known as the Clean Water Act, the National Envi-
21 ronmental Policy Act of 1969, the Forest and
22 Rangeland Renewable Resources Planning Act of
23 1974, the Multiple-Use Sustained-Yield Act of 1960
24 or the Endangered Species Act of 1973, and any

1 other Federal land management and natural re-
2 source policies; and

3 “(2) submit to Congress on the date that is 4
4 years after the date of the enactment of this section
5 a written report on the assessments required under
6 paragraph (1).

7 “(I) AUTHORIZATION OF APPROPRIATIONS.—

8 “(1) IN GENERAL.—There are authorized to be
9 appropriated \$100,000,000 for fiscal year 1994, and
10 such sums as may be necessary for each of fiscal
11 years 1995 through 1998 to carry out this section.
12 The total amount appropriated for all 5 such fiscal
13 years shall not exceed \$500,000,000.

14 “(2) AVAILABILITY.—Amounts appropriated
15 pursuant to this subsection shall remain available
16 until expended.”.

○

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